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FM AMEMBASSY BERLIN  
TO RUEHC/SECSTATE WASHDC PRIORITY 6329  
INFO RUEHSW/AMEMBASSY BERN PRIORITY 0739  
RUEHLO/AMEMBASSY LONDON PRIORITY 7733  
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0940  
RUEHFR/AMEMBASSY PARIS PRIORITY 8255  
RUEHRO/AMEMBASSY ROME PRIORITY 0023  
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 0224  
RHEHNSC/NSC WASHDC PRIORITY  
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY

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STATE FOR ISN/CPI, EAP/K, AND EUR/AGS  
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E.O. 12958: DECL: UPON KOREAN REUNIFICATION  
TAGS: [PARM](#) [KNNP](#) [PREL](#) [PGOV](#) [KN](#) [GM](#)  
SUBJECT: DEMARCHE ON E.O. 13382 ENTITIES -- EXAMPLES OF  
PROLIFERATION PASSED TO GERMAN GOVERNMENT

REF: SECSTATE 193703

Classified By: Global Affairs Counselor Donald R. Shemanski, for reason  
s 1.4 (b) and (d).

1. (S) Global Affairs counselor and Global Affairs officer passed ref demarche December 6 to officials from the Foreign Trade Law Division in the German Economic Ministry. Foreign Trade Law Division Office Director Ursina Krumpholz thanked us for the information and said she would discuss it with relevant German Government officials. Krumpholz asked whether the USG intended to propose that these entities be referred to the UNSCR 1718 Sanctions Committee. She said that unless these entities are sanctioned by the UNSC, Germany would have little scope for acting against them. Without the UNSC listing these entities, Germany could only apply financial sanctions unilaterally on a provisional and temporary basis, to a maximum of six months. For example, the German Government could issue a legal order to freeze an entity's assets within Germany but only under strict legal guidelines. If the legal guidelines for applying sanctions are not complied with, the affected bank could potentially sue the German Government or even a government official personally. Foreign Trade Law Division Officer Ernst Roeder-Messell cited the example of the aftermath of September 11, 2001, terrorist attacks in which the German Government froze the assets of suspects only to have courts later overrule the legal orders on the grounds of insufficient evidence.

2. (S) Krumpholz said that a decision by the UNSC to impose sanctions on the E.O. 13382 entities would provide the legal basis for the German Government to order a freezing of their assets. For EU member states, including Germany, UNSC sanctions are implemented via EU processes. The EU uses UNSC resolutions as a basis for passing either directives or regulations for its members to use to apply UNSC sanctions.

3. (S) In a separate meeting, Global Affairs officer passed ref demarche to the German MFA Export Control Division Desk Officer Andreas Kauke December 4. Kauke thanked us for the information and said he would pass it to the appropriate officials in the MFA.

4. (U) Post will report substantive German reaction septel.  
TIMKEN JR